

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

IN RE: CERTAINTEED FIBER CEMENT SIDING LITIGATION

MDL No. 2270

TRANSFER ORDER

Before the Panel:* Pursuant to 28 U.S.C. § 1407, plaintiffs in four Eastern District of Pennsylvania actions move for coordinated or consolidated pretrial proceedings of seven actions pending in four districts as listed on Schedule A. Moving plaintiffs seek centralization in the Eastern District of Pennsylvania. All responding parties support centralization under Section 1407 in the Eastern District of Pennsylvania.

Lone defendant CertainTeed Corp. (CertainTeed) joins in the motion. CertainTeed also asks the Panel to rename the litigation to the caption used in the Eastern District of Pennsylvania, which is also the caption proposed by the moving plaintiffs.

Plaintiffs in the Western District of Kentucky and Eastern District of Wisconsin actions responded in support of the motion. Plaintiff in the Northern District of New York action did not respond to the motion, but moving plaintiffs assert that this plaintiff also supports the motion.

After considering all argument of counsel, we find that these seven actions involve common questions of fact, and that centralization under Section 1407 in the Eastern District of Pennsylvania will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions involve common factual questions arising from WeatherBoards Fiber Cement exterior siding products manufactured and marketed by CertainTeed. Plaintiffs in these actions allege that the siding was defectively designed and failed prematurely due to defects inherent in the siding's formulation. Plaintiffs further allege that CertainTeed knew or should have known of the purported defects.

Centralization under Section 1407 will eliminate duplicative discovery and prevent inconsistent pretrial rulings, particularly with respect to class certification. Centralization is also consistent with the Panel's prior decision ordering centralization of actions relating to allegedly defective products manufactured by CertainTeed. *See In re CertainTeed Corp. Roofing Shingle Prods. Liab. Litig.*, 474

* Judges Paul J. Barbadoro and Marjorie O. Rendell took no part in the decision of this matter.

TRUE COPY CERTIFIED TO FROM THE RECORD
DATED: 8-9-11
ATTEST:
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

- 2 -

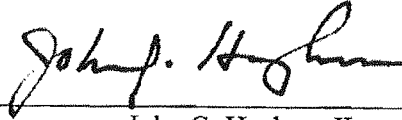
F. Supp. 2d 1357 (J.P.M.L. 2007) (ordering centralization where eight actions involved common questions of fact as to the products' alleged defectiveness).

The Eastern District of Pennsylvania is an appropriate transferee forum for this litigation. All moving and responding parties, including common defendant CertainTeed, support centralization in the Eastern District of Pennsylvania. Four of the seven actions are already pending in this district before one judge, and these four actions were filed before the actions in the other districts. In addition, the headquarters, witnesses and documents of lone defendant CertainTeed are located within the Eastern District of Pennsylvania. Centralization in this district also permits the Panel to assign the litigation to an experienced transferee judge who is not currently presiding over other multidistrict litigation.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Eastern District of Pennsylvania are transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Thomas J. O'Neill, Jr., for coordinated or consolidated pretrial proceedings with the actions listed on Schedule A and pending in that district.

IT IS FURTHER ORDERED that this litigation is renamed "In re: CertainTeed Fiber Cement Siding Litigation."

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Kathryn H. Vratil
Frank C. Damrell, Jr.

W. Royal Furgeson, Jr.
Barbara S. Jones

IN RE: CERTAINTEED FIBER CEMENT SIDING LITIGATION

MDL No. 2270

SCHEDULE A

Western District of Kentucky

John Robards, et al. v. CertainTeed Corporation, C.A. No. 3:11-00141

Northern District of New York

Richard Tesoriero v. CertainTeed Corporation, C.A. No. 5:11-00109

Eastern District of Pennsylvania

Steve Clavette, et al. v. CertainTeed Corporation, C.A. No. 2:10-06978

Monique Orioux v. CertainTeed Corporation, C.A. No. 2:11-00234

Chad Epsen v. CertainTeed Corporation, C.A. No. 2:11-00269

Steven Wiedmeyer v. CertainTeed Corporation, C.A. No. 2:11-00317

Eastern District of Wisconsin

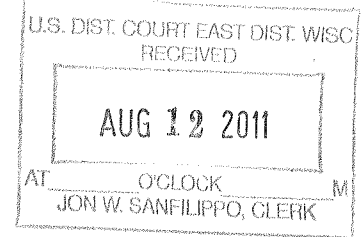
Koreen Grube v. CertainTeed Corporation, C.A. No. 2:11-00396

11-C-396 RTR

MICHAEL E. KUNZ
CLERK'S OFFICE
CLERK OF COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
U.S. COURT HOUSE
601 MARKET STREET
PHILADELPHIA 19106-1797

ROOM 2609
(267) 299-7018



RE: CERTAINTIED FIBER CEMENT SIDING LITIGATION
MDL 2270

Dear Clerk:

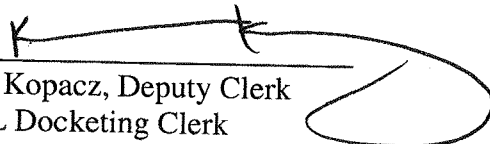
Enclosed is a Certified copy of the Transfer Order issued by the Judicial Panel on Multidistrict Litigation directing the transfer of the cases listed on the attached schedule to the ED-PA as part of the MDL 2270 assigned to the Honorable Thomas J. O'Neil, Jr..

Please docket this order on the cases listed on the attached schedule and notify our court by mailing us a certified copy of the docket when completed. We will then log onto pacer and print the case file. You will not be required to forward any documents to our district unless directed otherwise.

If you have any questions, please call me at (267) 299-7018.

Very truly yours,

MICHAEL E. KUNZ
Clerk of Court

By: 
Kirk Kopacz, Deputy Clerk
MDL Docketing Clerk

Enclosure